

PUBLIC NOTICE AMENDMENT

Issue Date: November 16, 2007
Comment Deadline: December 17, 2007
Corps Action ID #SAW-2006-40848-071

The Wilmington District, Corps of Engineers (Corps) has received an application from The Town of Topsail Beach seeking Department of the Army authorization associated with an emergency beach fill project to protect ocean front development and infrastructure until such time that a federally authorized shore protection project can be implemented at Topsail Beach, Pender County, North Carolina. This Public Notice is an amendment to the Public Notice issued on December 15, 2006 (Corps Action ID #SAW-2006-40848-071).

Preliminary plans and location information are described below and shown on the attached plan. This Public Notice and attached plan are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands.

Applicants:

Town of Topsail Beach
Town Manager
820 South Anderson Blvd
Topsail Beach, North Carolina 28445

Agent (if applicable):

Coastal Planning & Engineering of North Carolina, Inc.
Attn: Mr. Tom Jarrett, PE
330 Shipyard Blvd
Wilmington, North Carolina 28412

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

Location

The Town of Topsail Beach is located on the southern end of Topsail Island adjacent to New Topsail Inlet in Pender County on the central North Carolina coast. The fill placement area will encompass the Topsail Beach/Surf City limit to Godwin Avenue, a linear distance of approximately 4.7 miles, or 25,000 feet of oceanfront shoreline.

Existing Site Conditions

Topsail Island is a 22 mile long and 0.5 mile wide barrier island on the Atlantic Ocean. Due to the northeast-southwest orientation, the island faces the Atlantic Ocean on the southeast. Other water bodies within the project vicinity include New Topsail Inlet immediately to the southwest, Banks Channel and the Atlantic Intracoastal Waterway (AIWW) to the northwest, and New River Inlet at the far northeastern end of Topsail Island.

Applicant's Stated Purpose

The stated purpose of the project is to address a severe erosion problem by conducting a one-time emergency beach fill project to protect ocean front development and infrastructure until such time that a federally authorized shore protection project can be implemented. At this time, the construction date for the Federal project is uncertain. A Draft General Reevaluation Report-Environmental Impact Statement (GRR-EIS) has been prepared by the Corps and was released for public review and comment in June 2006 (USACE, 2006). Given the current status of the GRR-EIS and the need for Congressional authorization, funding, preparation of plans and specifications, and right-of-way acquisition, the Federal project may not be implemented until Fiscal Year 2012, or possibly later. The applicant will prepare a Supplemental Environmental Impact Statement in accordance with the National Environmental Policy Act (NEPA).

Project Description

The fill placement area is located between Godwin Avenue on the south to a point 2,000 feet northeast of Topsail Beach/Surf City town limits, a total ocean shoreline length of approximately 25,000 feet. The fill would consist of three sections, a 1,000-foot transition on the south beginning at a point opposite Godwin Avenue, a 22,000-foot main fill section that would extend to the Topsail Beach/Surf City town limits, and a 2,000-foot northern transition (Figure 1). The main fill would consist of a horizontal berm constructed to an elevation of +6 feet NAVD (+7 feet NGVD). The in-place volume of the beach fill has not been determined but could range between 900,000 to 1,250,000 cubic yards.

Offshore sand sources are currently being investigated for sediment compatibility with the native beach material (Figure 1). The offshore borrow areas under consideration include all of the areas within the 3-mile North Carolina territorial limit previously identified by the Corps in the GRR-EIS (Borrow Areas A and B), areas lying near the Corps identified borrow areas, and an area designated as Borrow Area X located closer to shore.

The navigation channel running through Banks Channel from New Topsail Inlet through Topsail Creek and from Topsail Creek parallel to the barrier island to the Atlantic Intracoastal Waterway (Figure 1) was considered as a potential source for the emergency beach fill project but dismissed due to the small volume of material that would be available. The authorized dimensions of the navigation channel are 80 feet wide at 7 feet below mean low water. During normal maintenance operations, between 50,000 and 200,000 cubic yards are removed and deposited on the south end of Topsail Beach. This relatively small volume of maintenance

material would fall well below the emergency project requirements. Furthermore, maintenance dredging is currently being performed in Banks Channel with the dredged material being placed on the south end of Topsail Beach. The current maintenance operation would totally deplete the volume of material available for beach disposal for at least the next two years. Accordingly, the navigation channels running behind Topsail Beach will not be given detailed consideration for the emergency project.

The proposed construction timeframe for the emergency beach fill activities is late calendar year 2008 or early calendar year 2009.

Beach Fill Surveys & Design

Typical cross-sections of the beach along the Topsail Beach project area will be surveyed. Nearshore profiles will extend seaward to at least the -30-foot NAVD depth contour. The total volume of beach fill to be placed in front of the existing development and infrastructure will be based on an evaluation of erosion of the project area from 2002 through the expected construction date of the Federal project.

Additional offshore and onshore data for Hutt Island will also be obtained along the northern 5,000 feet of the island. This data will be used in the evaluation of possible impacts associated with the removal of sediment from the selected offshore borrow area and for future impact evaluations following project implementation through the use of numerical modeling.

Geotechnical Investigations

The offshore sand search investigations have included bathymetric surveys, sidescan sonar surveys, seismic surveys, cultural resources surveys, vibracores, and ground truth diver surveys to verify existence or non-existence of hard bottoms. The results of the offshore investigations coupled with the compatibility of the sand resource area and native beach sand will be assessed to define the borrow area. All sediment compatibility assessments will be based on State of North Carolina sediment compatibility standards that went into effect in February 2007.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality Central Office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make

comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Blvd, Suite 250, Raleigh, North Carolina 27604-2260 Attention: Ms Cyndi Karoly by December 10, 2007.

The applicant has not provided to the Corps, a certification statement that the proposed activity complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) of 1976, and the amended MSFCMA of 1996. The Corps' initial determination is that the proposed project may adversely impact EFH or associated fisheries managed by the South Atlantic or Mid-Atlantic Fishery Management Councils or the National Marine Fisheries Service. The EFH assessment for the proposed project will be specific to this project and separate from the EFH assessment that will be prepared for the federally authorized shore protection project for Topsail Beach.

Cultural Resources

The Corps has consulted the latest published versions of the National Register of Historic Places and is not aware of any registered properties, or properties listed as being eligible for inclusion therein located within the project area or will be affected by the proposed scope of work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973 (ESA), that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. A description of the anticipated impacts is currently being investigated and will be provided by the applicant at a later date. Consultation under Section 7 of the ESA will be initiated and no permit will be issued until the consultation process is complete.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will

reflect the national concern for both protection and utilization of important natural resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonable foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among which those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretions, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredge or fill materials in the waters of the United States, the evaluation of the impact of the activity on the public interests will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Statement (EIS) pursuant to the NEPA. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Request for public hearings shall state, with particularity, the reasons for holding a public hearing. Request for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

As disclosed in the Notice of Intent, any written comments pertinent to the proposed work, as outlined above, will be received by the Corps, Wilmington District, until 5pm, December 17, 2007. Comments should be submitted to Dave Timpy, Project Manager for this project. Questions can be directed to Mr. Timpy at (910) 251- 4634.

Figure 1. Location map showing all investigated sand sources in the vicinity of Topsail Beach, North Carolina.

